United Nations CAT/C/GRC/QPR/7

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
10 June 2014

Original: English

Committee against Torture

List of issues prior to submission of the seventh periodic report of Greece due in 2016*

The Committee against Torture, at its thirty-eighth session (A/62/44, paras. 23 and 24), established an optional procedure which consists in the preparation and adoption of a list of issues to be transmitted to the State party concerned prior to the submission of its periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Articles 1 and 4

1. With reference to the previous concluding observations of the Committee against Torture (para. 9),[1] please provide information on any steps taken by the State party to adopt a definition of torture that covers all of the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[2]

Article 2[3]

2. In the light of the recommendations made by Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment following his mission to Greece (A/HRC/16/52/Add.4, para. 88), please provide updated information on steps taken to ensure that all detained persons, including irregular migrants and refugees, are afforded, in

* Adopted by the Committee at its fifty-second session (28 April to 23 May 2014).

[1] Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/GRC/CO/5-6.

[2] A/HRC/16/52/Add.4, paras. 10 and 11.

[3] The issues raised under article 2 could also encompass different articles of the Convention, including but not limited to article 16. As indicated in the Committee's general comment No. 2 (2008) on the implementation of article 2 by States parties, "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture … In practice, the definitional threshold between ill-treatment and torture is often not clear" (para. 3). See also chapter V of the same general comment.

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practice, fundamental legal safeguards from the very outset of their detention, inter alia the right of access to a lawyer and a medical doctor of their own choice, as well as the right to inform a relative, to be informed of their rights and to be promptly presented to a judge. Please also indicate whether all persons detained are registered from the very outset of their detention.[4]

3. With reference to the Committee's previous concluding observations (para. 15) and the recommendations made by Special Rapporteur on the question of torture (A/HRC/16/52/Add.4, para. 88), please provide information on steps taken (a) to reduce the length of pretrial detention, especially for minors in juvenile detention; and (b) to ensure strict separation between pretrial and convicted detainees, between juveniles and adults, and between women and men[5] in all detention facilities.[6]

4. In the light of the Committee's previous concluding observations (para. 11), please respond to persistent reports about torture or ill-treatment in immigration detention facilities and police stations, in particular on the premises of criminal investigation departments, as well as about excessive use of force, including the use of chemicals, by police during the demonstrations.[7] Furthermore, please provide information on steps taken:

(a) To ensure that chemical irritants and stun grenades are not used for crowd control in enclosed areas, poorly ventilated areas, or areas with few exit routes, except in extreme life-threatening situations;[8]

(b) To ensure that reports of police brutality and excessive use of force are independently, promptly and thoroughly investigated and that perpetrators are prosecuted and appropriately punished. Please provide information about the case of the killing of a 15-year-old boy, Alexis Gregoropoulos, by a police officer in Athens;[9] and

(c) To establish adequate systems for monitoring police abuses and to develop adequate training for law enforcement officials. Please describe the impact and effectiveness of these measures in reducing cases of police brutality and of excessive use of force.

5. With reference to the Committee's previous concluding observations (para. 20), please provide information on efforts made to ensure (a) that administrative detention on the grounds of irregular entry is not applied to asylum seekers, and (b) that the detention of asylum seekers is used only in exceptional circumstances or as a measure of last resort, on grounds specifically prescribed by law and only for the shortest possible time.[10]

6. With reference to the Committee's previous concluding observations (para. 18) and the recommendations made by the Special Rapporteur on the human rights of migrants (A/HRC/23/46/Add.4, para. 103), please provide information on steps taken to guarantee access to a fair and impartial individual asylum procedure in all parts of the country, and to ensure speedy operationalization of the new Asylum Service and Appeals Authority as well as proper, timely treatment of all asylum claims.[11]

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[4] A/HRC/WG.6/11/GRC/3, para. 34; A/HRC/23/46/Add.4, paras. 98–104.
[5] A/HRC/16/52/Add.4, para. 74.
[6] A/HRC/16/52/Add.4, paras. 50 and 51; A/HRC/WG.6/11/GRC/3, paras. 36 and 41.
[7] A/HRC/16/52/Add.4, paras. 10–13 and 88.
[8] A/HRC/24/NGO/116, p. 3.
[9] A/HRC/WG.6/11/GRC/3, para. 23.
[10] A/HRC/16/52/Add.4, para. 64.
[11] A/HRC/23/46/Add.4, para. 20.

7. With reference to the previous concluding observations made by the Committee (para. 23) as well as by the Committee on the Elimination of Discrimination against Women (CEDAW/C/GRC/CO/7, para. 21), please provide updated information on the measures taken to prevent and combat all forms of violence against women, especially domestic violence and sexual violence. Please specify steps taken (a) to amend article 137A of the Criminal Code in order to explicitly include rape and other forms of sexual violence as specific crimes;[12] (b) to provide adequate assistance and protection to women victims of violence; and (c) to undertake broad awareness-raising campaigns. Please provide statistical data on the prevalence of violence against women, including data on complaints relating to violence against women and children, and on the related investigations, prosecutions and penal sanctions, as well as on any compensation provided to victims.

8. In the light of the Committee's previous concluding observations (para. 24), please provide updated information on the measures taken (a) to address the root causes of trafficking in persons, particularly sexual exploitation of women and children; (b) to provide victims of trafficking with shelter and assistance; and (c) to increase efforts aimed at international, regional and bilateral cooperation with countries of origin, transit and destination.[13] Please provide updated statistical data on the incidence of trafficking since consideration of the previous report. Statistical data should also be provided on the number of complaints relating to human trafficking, and on the related investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

9. Please provide information on the mandate of the national human rights institution in protecting rights covered by the Convention, on the number of complaints received in relation to violations of the provisions of the Convention, and on the actions taken as well as their outcome.[14]

Article 3

10. With reference to the Committee's previous concluding observations (para. 19), please provide information on the measures taken to ensure full protection from refoulement in line with article 3 of the Convention.[15] Please specify progress made in (a) establishing the necessary safeguards in forced return procedures; (b) reviewing the content of the State party's readmission agreement with Turkey in order to bring it in line with international standards,[16] and (c) ensuring that appeals against return or expulsion orders have an automatic and immediate suspensive effect.[17]

11. Please provide data, disaggregated by age, sex and ethnicity, on:

(a) The number of asylum applications registered;

(b) The number of asylum applicants in detention;

(c) The number of applicants whose application for asylum was accepted;

(d) The number of applicants whose application for asylum was accepted on the grounds that they had been tortured or might be tortured if they were returned to their country of origin;

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[12] A/HRC/16/52/Add.4, para. 88 (ll).

[13] CEDAW/C/GRC/CO/7, paras. 22 and 23; A/HRC/16/52/Add.4, para. 73; A/HRC/WG.6/11/GRC/3, para. 35; A/HRC/WG.6/11/GRC/2, paras. 30–32.

[14] A/HRC/WG.6/11/GRC/2, para. 6.

[15] A/HRC/WG.6/11/GRC/2, para. 24.

[16] A/HRC/23/46/Add.5, para. 14.

[17] A/HRC/16/52/Add.4, paras. 58–67 and 88; A/HRC/WG.6/11/GRC/3, paras. 73–80.

(e) The number of cases of refoulement or expulsion.

12. Please indicate whether the State party provides diplomatic assurances with regard to cases of refoulement, extradition and expulsion, and if so, please provide data on all cases, since consideration of the last periodic report, where diplomatic assurances have been provided. Furthermore, please indicate whether the State party has received information on any assurances that have not been honoured, and also indicate what appropriate actions were taken in such cases by the State party?

13. Please respond to concerns raised by the Office of the United Nations High Commissioner for Refugees about the Greek asylum system, including the assessment of asylum claims, being characterized by poor procedures, about legal aid being generally absent and about language interpretation resources being severely inadequate (A/HRC/WG.6/11/GRC/2, para. 60 et al.).

Articles 5 and 7

14. Please indicate whether, since consideration of the previous report, the State party has rejected, for any reason, any request by a third State for extradition of an individual suspected of having committed an offence of torture, thus engaging its own prosecution as a result. If so, please provide information on the status and outcome of those proceedings.

Article 10

15. With reference to the Committee's previous concluding observations (para. 25), please provide information on:

(a) Training programmes developed and implemented by the State party to ensure that law enforcement personnel, border guard staff, penitentiary staff and staff of detention centres, as well as all members of the judiciary and prosecutors, are fully aware of the State party's obligations under the Convention;

(b) Training for all medical personnel involved with detainees for the detection of signs of torture and ill-treatment, in accordance with international standards, as outlined in the Istanbul Protocol;

(c) Steps taken to develop and implement a methodology to evaluate the implementation of its training programmes, and its effectiveness and impact on reducing cases of torture and ill-treatment.

Article 11

16. Please provide information on any new interrogation rules, instructions, methods and practices, as well as on arrangements for the custody of persons subject to any form of arrest, detention or imprisonment, that may have been introduced since consideration of the last periodic report, and on the frequency with which they are reviewed, with a view to preventing any cases of torture or ill-treatment.

17. In the light of the Committee's previous concluding observations (para. 17), please provide updated information on measures taken to effectively and systematically monitor all places of detention, including facilities for migrants and asylum seekers. Do non-governmental organizations have access to places of detention?[18] In particular, subsequent to the State party's ratification on 11 February 2014 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or

[18] A/HRC/WG.6/11/GRC/3, para. 33.

Punishment, please specify steps taken to establish a national prevention mechanism, to ensure its mandate to make unannounced visits to all places of detention and conduct private interviews with persons deprived of their liberty, and to allocate adequate resources to ensure the effective functioning of such mechanism.[19]

18. Please provide updated information on measures taken to improve conditions in all detention facilities, including places of detention for asylum seekers, and psychiatric institutions, to bring them in line with international minimum standards, and in particular to address overcrowding and improve health care.

19. Pursuant to the Committee's previous concluding observations (para. 14), please provide information on measures taken to improve conditions in all detention facilities, including places of detention for asylum seekers and migrants, to bring them in line with international minimum standards, and in particular to address overcrowding and to improve material and sanitary conditions and health care.[20]

20. In the light of the previous concluding observations made by the Committee (para. 27) and by the Committee on the Rights of the Child (CRC/C/GRC/CO/2-3, para. 67), please provide information on the outcome of investigations conducted with regard to the Aghia Varvara case and on the whereabouts of those missing street children.[21] To what extent did the State party adopt a comprehensive policy to combat violations of the rights of street children?

Articles 12 and 13

21. In the light of the Committee's previous concluding observations (para. 28), please provide detailed statistical data, disaggregated by crime committed, ethnicity, age and sex, on complaints relating to torture and ill-treatment allegedly committed by law enforcement officials, on related investigations, prosecutions and convictions and on the penal or disciplinary sanctions applied.

22. In the light of the Committee's previous concluding observations (paras. 10 and 13) and the request transmitted by the Committee's rapporteur for follow-up on concluding observations, please describe any measures taken by the Office for Incidents of Arbitrary Conduct by Law Enforcement Officials to prevent and investigate acts of torture and ill-treatment by law enforcement officials. Please also provide information on measures taken (a) to strengthen the mandate of the Office in conducting prompt, effective and impartial investigations into complaints of torture and ill-treatment; (b) to ensure that members of the law enforcement or security services who are accused of having committed acts of torture are immediately suspended from duty for the duration of the investigation; and (c) to ensure that, in practice, the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or of any evidence given.

Article 14

23. In the light of the Committee's concluding observations (para. 26) as well as of paragraph 46 of its general comment No. 3 (2012) on the implementation of article 14 by

[19] A/HRC/23/46/Add.4, paras. 23 and 92.

[20] Council of Europe: Committee for the Prevention of Torture. Report to the Government of Greece on the visit to Greece carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, from 23 to 29 September 2008, document CPT/Inf (2009) 20, paras. 24–36; European Court of Human Rights, judgement in *Taggatidis and others* v. *Greece* (11 October 2011); A/HRC/WG.6/11/GRC/2, paras. 20–26; A/HRC/WG.6/11/GRC/3, para. 33.

[21] A/HRC/WG.6/11/GRC/3, para. 29.

States parties, please provide information on redress and compensation measures, including the means of rehabilitation, ordered by the courts and actually provided to victims of torture or their families since consideration of the last periodic report. Please provide an update on the progress made in (a) developing a specific programme of assistance in respect of victims of torture and ill-treatment; (b) establishing more efficient and accessible procedures to ensure victims' right to compensation in accordance with Law 3811/2009, especially by reducing the time taken by domestic courts to award damages in such cases; and (c) offering prompt redress to victims of violence, which has been determined by international supervisory organs and courts.

Article 15

24. Please indicate steps taken to ensure that, in practice, evidence obtained by torture shall not be invoked as evidence in any proceedings, in accordance with article 15 of the Convention.[22]

Article 16

25. With reference to the Committee's previous concluding observations (para. 12), please provide information on any progress in the State party's efforts to combat increasing manifestations of racial discrimination, xenophobia and related violence, particularly violence against migrants, asylum seekers and Roma, including any law enforcement involvement in these crimes.[23] Please comment on the numerous and consistent reports that migrants have been ill-treated at the hands of police or coast guard officials upon apprehension and while detained.[24] In the light of the recommendations made by the Special Rapporteur on the human rights of migrants following his mission to Greece in November and December 2012 (A/HRC/23/46/Add.4, paras. 98–102), please also describe steps taken (a) to ensure that irregular migrants who are subject to return procedures are not indiscriminately and systematically detained and are not held for prolonged periods in facilities designed for short-term stay;[25] and (b) to provide for judicial review of all deportation orders and to respect procedural guarantees.[26]

26. In the light of the Committee's previous concluding observations (para. 16), please provide information on measures taken (a) to ensure that body search procedures, especially internal searches, for persons in custody are limited to cases where there is a reasonable and clear justification; if carried out, the search must be conducted by the least intrusive means and in full conformity with the Convention; and (b) to find alternative methods to body cavity search, such as electronic detection methods. Please respond to the findings by the Special Rapporteur on the question of torture that the practice of intra-body searches continued to take place on a regular basis whenever female prisoners in Korydallos were returned to the facility from an outside visit, i.e. to attend court or visit the doctor.[27]

27. In the light of the Committee's previous concluding observations (para. 21), please indicate whether the State party has repealed the provisions in Law 4075/2012 which amended Presidential Decree 114/2010 and Law 3386/2005 to permit the detention of

[22] A/HRC/16/52/Add.4, para. 29.
[23] CERD/C/GRC/CO/16-19, para. 12; A/HRC/WG.6/11/GRC/2, paras. 17, 18, 28 and 72; CERD/C/GRC/CO/16-19/Add.1; A/HRC/WG.6/11/GRC/3, para. 23.
[24] A/HRC/WG.6/11/GRC/3, para. 21.
[25] A/HRC/23/46/Add.4, paras. 43 and 62; A/HRC/23/46/Add.5, para. 19.
[26] A/HRC/23/46/Add.4, paras. 38 and 56–58; A/HRC/23/46/Add.5, paras. 15 and 30.
[27] A/HRC/16/52/Add.4, para. 78.

migrants and asylum seekers on public health grounds, and has replaced detention on such grounds with the appropriate medical measures.[28]

28. In the light of the Committee's previous concluding observations (para. 22), please provide information on measures taken to ensure (a) that unaccompanied asylum-seeking minors are provided with adequate protection and proper care; and (b) that detention for unaccompanied minors is a last-resort measure. What further steps have been taken to respond to concerns raised by the Special Rapporteur on the question of torture about the situation of unaccompanied minors who are often not properly registered and systematically detained, often together with adults?[29]

Other issues

29. Please provide updated information on measures that the State party has taken to respond to any threats of terrorism and please describe whether, and how, these anti-terrorism measures have affected human rights safeguards in law and in practice, and how it has ensured that these measures comply with all its obligations under international law, especially the Convention, and with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers, the number and types of persons convicted under such legislation, the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

30. Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken, since consideration of the previous report, that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans or programmes, including resources allocated and statistical data or any other information that the State party considers relevant.

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[28] A/HRC/23/46/Add.4, para. 44.

[29] CRC/C/GRC/CO/2-3, para. 63; A/HRC/16/52/Add.4, paras. 68–73 and 88; A/HRC/WG.6/11/GRC/2, paras. 17, 57, 66, 67 and 77; CERD/C/GRC/CO/19, para. 12; A/HRC/23/46/Add.4, para. 111 (a) and (c).